

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
EYIDI AMBILA,)
)
)
Petitioner,) C.A. No. 07-11030-GAO
)
v.)
)
SHERIFF ANDREA J. CABRAL,)
)
)
Respondent.¹)
)

MOTION TO DISMISS

Respondent moves to dismiss this action pursuant to Fed. R. Civ. P. Rules 12(b)(6) for failure to state a claim upon which relief may be granted. Respondent relies on her Memorandum of Law filed simultaneously herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Michael Sady
Michael Sady
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

Dated: June 22, 2007

¹ See 28 U.S.C. § 517 (providing for the appearance of the Department of Justice “to attend to the interests of the United States in a suit pending in a court of the United States”).

CERTIFICATE OF SERVICE

I certify that on, I caused a copy of the foregoing Motion to Dismiss to be served on June 22, 2007 by first class mail, postage pre-paid to pro se petitioner, Eyidi Ambila #0602592, Suffolk County House of Correction, Unit 8-4, 20 Bradston Street, Boston, MA 02118.

Dated: June 22, 2007

/s/ Michael Sady
Michael Sady
Assistant U.S. Attorney

L. R. 7.1 CERTIFICATION

Because Petitioner is pro se and presently incarcerated in a state correctional facility, undersigned counsel has not attempted to contact petitioner to narrow the issues.

/s/ Michael Sady
Michael Sady
Assistant United States Attorney